

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



POLICY NUMBER:
9.41-1 DOC

EFFECTIVE DATE:
08/05/97

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REPEALS:
9.41 DOC

DIRECTOR:

SECTION:
TBA

SUBJECT:
**DETAINING VISITORS WITH
OUTSTANDING WARRANTS**

**REFERENCES: RIDOC policy #'s
5.17.02-6, Visits; 5.09 DOC,
Commitment by Warrant -
Documentation Needed; § 11-1-2,
Felony, misdemeanor - petty
misdemeanor, and violation
distinguished; § 12-7-2, Search of
detained person for weapon; § 12-7-
8, Restraint and force used**

**AUTHORITY: Rhode Island General Laws
(RIGL) § 42-56-10(v), Powers of the director**

I. PURPOSE:

To provide guidelines for Rhode Island Department of Corrections (RIDOC) correctional personnel to follow in the event a Bureau of Criminal Identification (BCI) check reveals an outstanding warrant on a visitor to the Adult Correctional Institutions (ACI).

II. POLICY:

- A. Whenever a BCI check reveals there may be an outstanding warrant on a visitor to the ACI, correctional personnel shall:
1. allow the visitor to complete his/her visit;
 2. call the Rhode Island State Police (RISP) to verify the warrant is active;

Public Notice: 02/02/97

Public Hearing: 02/26/97

Last Filed: 07/16/97

3. request RISP take custody of the visitor, if appropriate;
 4. notify the visitor, when s/he exits the visiting area, that a warrant is outstanding;
 5. detain the visitor in an area designated for such detainment until s/he is taken into custody by RISP or other appropriate law enforcement officials.
- B. ***All visiting rooms will post a sign informing visitors a BCI check will be conducted to reveal criminal history and/or outstanding warrants and that outstanding warrants may lead to detainment and arrest.***

III. **PROCEDURES:**

A. Conducting a BCI Check

1. All visitors to any RIDOC institution are required to report to the appropriate Reception Desk and show proof of identification prior to being admitted to the facility.
2. The Reception Desk officer conducts a BCI check to determine whether the visitor has a criminal record and/or outstanding warrant.
3. If the BCI check does not reveal an active warrant or other disqualifying reason for disallowing the visit, the Reception Desk Officer allows the visitor to enter the Visiting Room.
4. If the BCI check reveals an active warrant, the Reception Desk officer:
 - a. allows the visitor to complete his/her visit;
 - b. notifies the Visits Supervisor. In the Visits Supervisor's absence, the Reception Desk Officer notifies the Shift Commander;
 - c. notifies the visitor, when s/he exits the visiting area, that a warrant is outstanding;
 - d. detains the visitor in an area designated for such detainment until s/he is taken into custody by RISP or other appropriate law enforcement officials.

B. Notifying the State Police

The Visits Supervisor (or, in his/her absence, the Shift Commander):

1. Calls the RISP (Lincoln Barracks; **444-1122**).

Detaining Visitors With Outstanding Warrants

2. Notifies the Officer in Charge a BCI check has revealed an outstanding warrant on a visitor.
3. Provides the following information:
 - a. Visitor's Name
 - b. Visitor's Date of Birth
4. Requests RISP verify the warrant is active.
5. If the warrant is active, asks RISP to:
 - a. determine whether the warrant involves a violation only (as opposed to a misdemeanor or felony) for the purpose of RIDOC's detaining or not detaining the visitor. (Violation is defined in III.D.1.b., below).
Only visitors with outstanding warrants for offenses for which incarceration is a possible sanction are detained.
 - b. respond to affected RIDOC facility and take custody of the visitor, if appropriate.

C. Detaining a Visitor

1. The Visits Supervisor or Shift Commander ensures the visitor knows the reason s/he is being detained.
2. The Visits Supervisor/Shift Commander records the visitor's name and time of and reason for detention in the facility's Daily Blotter.
3. Whenever the detention of a visitor is required, s/he should be detained in an area designated by the facility administrator.
4. At no time should an area of detention be visible to the inmate population.
5. A correctional officer of the same sex as the visitor may (pat) search any visitor s/he is detaining for a dangerous weapon whenever the officer reasonably believes s/he is in danger from the person carrying such weapon. The officer may take and keep the weapon until the visitor is either released or arrested.
6. No greater restraint than is necessary is used for the detention of any visitor, and no unnecessary or unreasonable force is used in making an arrest.

D. Releasing a Detained Visitor

1. Detained visitors will be released by order of the Visits Supervisor/Shift Commander when:

- a. RISP notify RIDOC the warrant is no longer active;
 - b. RISP notify RIDOC the warrant involves a violation, i.e., any offense which may be punished by a fine only of not more than five hundred dollars [(≤\$500.00; RIGL § 11-1-2)] and there is no need to detain the visitor. Examples of violations include minimum housing violations, parking violations, and library card offenses. Such warrants are usually issued by municipal courts.
 - (1) The Visits Supervisor/Shift Commander:
 - (a) informs the visitor s/he has an outstanding warrant involving a violation;
 - (b) encourages him/her to contact the appropriate court or police department to rectify the matter;
 - (c) explains that visits will be denied as long as the warrant is active.
 - c. RISP or other appropriate law enforcement officials arrive at the affected ACI facility and take custody of the detained visitor.
2. If RISP verify a warrant is active and involves a felony or misdemeanor (versus a violation only) and do not arrive at the affected facility to take custody of the visitor within four (4) hours of RIDOC's request, the Visits Supervisor/Shift Commander contacts one of the following individuals for a decision relative to continued detainment:
 - a. Associate Director, Management Information Systems/Records and Identification;
 - b. Assistant Director, Administration;
 - c. Assistant Director, Institutions and Operations;
 - d. Chief Legal Counsel

No other person has the authority to release the visitor due to RISP's failure to respond to the affected facility within four (4) hours of RIDOC's request.
3. The MCC officer records the name of the supervisor who ordered/authorized the release and the time of the release in the facility's Daily Blotter.